1:Heckewelder M-5 (ca. 1800)1819
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CHAPTER VII.

GOVERNMENT.

622 623 624 ALTHOUGH the Indians have no code of laws for their government, their chiefs find little or no difficulty in governing them. They are supported by able experienced counsellors; men who study the welfare of the nation, and are equally interested with themselves in its prosperity. On them the people rely entirely, believing that what they do, or determine upon, must be right and for the public good.

623 Proud of seeing such able men conduct the affairs of their nation, the Indians are little troubled about what they are doing, knowing that the result of their deliberations will be made public in due time, and sure that it will receive their approbation. This result is made known to them by the chief through the orator, for which purpose they are called together and assemble at the council house; and if it be found necessary, to require a contribution of *wampum*, for carrying the decision of the chiefs into effect, it is cheerfully complied with by the whole assembly.

622 217 The chiefs are very careful in preserving for their own information, and that of future generations, all important deliberations and treaties made at any time between them and other nations. Thus, between the years 1770 and 1780, they could relate very minutely, what had passed between William Penn and their forefathers, at their first meeting and afterwards, and also the transactions which took place with the governors who succeeded him. For the purpose of refreshing their own memories, and of instructing one or more of their most capable and promi-

2:Newcomb E-4, 5 (1951-1952) 1956
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It should be noted, then, that a sachem's duties were administrative, legislative, and judicial. The duties of these chiefs were on the whole fairly simple; their power was in no sense autocratic. They carried out the wishes of the people directly through the council and indirectly through informal pressure. To retain their position they had to be "...gracious, hospitable, communicative, affable, and their house is open to every Indian."[154] It appears that incompetent chiefs could be deposed.[155]

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Morgan stated that there were two war chiefs, subordinate to the principal chiefs in peacetime. War chiefs gained their rank through leading a number of successful war parties, and were often those individuals who had had visions indicating that war was their vocation.[156] By this time (1859) the phratry heads were the political leaders, and one of these men was the principal chief.[157] If the war chiefs unanimously favored war, the civil chief had to give his consent.[158] Political as well as military power was then in the hands of the war chiefs.

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Informal Controls

Individual behavior was controlled primarily by family and kinship groups, rather than by special institutions. Europeans were surprised to learn that Indian behavior was so well regulated:

> Judged by the mere appearance of the Indians one is surprised how modest and careful they are in relation to each other and imagines that the whites, if they were as free a people and had neither government nor punishment to fear, would not be as united and peaceable as the Indians appear to be.[159]

Penn said:

> The justice they have is pecuniary. In case of any wrong or evil fact, be it murder itself, they atone by feasts and presents of their wampum, which is proportioned to the quality of the offence or person injured, or of the sex they are of. For, in case they kill a woman, they pay double; and the reason they render is, "that she breedeth children, which men cannot do." It is rare that they fall out if sober; and if drunk they forgive, saying, "It was the drink, and not the man, that abused them."[160]

A number of other sources have noted that the laws of the wergild were enforced.[161] Denton said:

> The friends of the murdered person do revenge upon the murderer unless he purchase his life with money, which they sometimes do: This money is made of a Periwinkle shell of which there is black & white, made much like unto beads & put upon strings.[162]

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[154] Zeisberger, 1910, p. 93.

[155] Ruttenber, 1872, pp. 47-48; Zeisberger, 1910, pp. 93-95; Heckewelder, 1881, pp. 107-11; Harrington, 1913, p. 211.

[156] Zeisberger, 1910, p. 101; Loskiel, 1794, p. 142.

[157] Morgan, 1859, MS.

[158] Zeisberger, 1910, p. 98; Ruttenber, 1872, p. 48.

[159] Zeisberger, 1910, p. 122.

[160] Penn, 1882, p. 245.

[161] Pastorius, 1912, p. 434; De Rasieres, 1909, p. 109; Lindestrom, 1925, p. 205; Wallace, 1947, pp. 10-11.

[162] Denton, 1845, p. 7.

3: Zeisberger M-5 (1767-1780)1910
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But when a belt is given few words are spoken, and they must be words of great importance, frequently requiring an explanation. Belts are of pure wampum worked in all manner of clever forms by the Indian women, they being informed in each case what the figures must be, inasmuch as the figures must correspond with the message. A belt is three or four inches broad and about a yard long.[283] Neither color nor the other quantities of wampum are matters of indifference, but have an immediate reference to those things which they are meant to confirm. A white string of belt signifies a good message and such a belt may have figures in dark wampum. If a treaty is [648] to be made or renewed with another nation the message is commonly accompanied by a Road Belt. This is a white belt with two rows of black wampum running the entire length with a white row between the two black rows also running the entire length of the belt. This signifies that the way from one nation to another has been cleared of all brush, trees and stones. At the ends of the belt the two nations are likewise represented by two small dark spots. If a string or belt of wampum is intended to confirm a warning against evil or an earnest reproof the belt delivered is in black. When a nation is called upon to go to war or war declared against it the belt is black or marked with red, having in the middle the figure of an hatchet in white wampum. A peace belt is quite white, a fathom long and a hand broad and of not inconsiderable value.

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A chief has more use for the white wampum than the black. In particular cases and upon extraordinary occasions a voluntary contribution of wampum is made by the whole tribe or nation. The rich are considered as principal supporters of the chiefs and furnish them with wampum in an emergency, which rarely occurs more than once in three years. The usual expenses are defrayed from the treasury chest of the council, which is never empty, because when wampum is paid out usually an equal amount comes in. In general the chief does not speak in council, but has his speaker to whom he communicates his sentiments briefly and leaves him to expatiate on them. The latter must be able to put the whole matter in a speech well arranged, which requires a clear and open understanding, a faithful mem-

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3:Zeisberger M-5 (1767-1780)1910
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624 ory, experience in the affairs of the state and a knowledge of the formal language employed in council, which differs as much from the common language as does the language used by the whites in legal procedure, from the language of ordinary intercourse.

202 When a message is to be sent, this is entrusted to two or more messengers. One of these is to be the speaker, the others being ready to remind him of anything he might forget. A message is formally entrusted to ambassadors at a meeting of the Council. It is repeated a number of times and the one appointed speaker of the messengers must in turn repeat it several times, until he is able to deliver the message with facility and in proper form. The messengers are then fitted out with necessaries for the journey and dispatched. As the whole of a message is to be delivered verbally, a speaker must be a sensible and reliable man. Young men, destined for such service, are admitted as hearers to the council, where they may learn much. Any one employed as messenger is held in high regard. They must be young men, of great endurance on the march, who will not be stopped by bad weather or high waters. On occasions of extreme importance, as in time of war, messengers may have to be on the march night and day, finding their way in the darkest night on paths that a white man could scarce follow in daytime.

623 The council meetings are as quiet and orderly as if they were acts of devotion. Noises, talking and laughing are not heard, even though the young may be present. All pay strict attention to the speaker. The counsellors are called together by a servant and when they appear, they welcome one another, [276] shake hands and express their joy at meeting. Each brings pouch, pipe and they smoke a considerable amount of tobacco that has been mixed with dried and crushed sumac leaves. [562] Women are never admitted to the council; in matters of public interest they may stand about the house and listen, and they account it an honor when they are admitted, to hand victuals and keep up the fire. Provisions must always be in plenty in the council-house, for eating and deliberating alternate.

The principal chief, either himself or through a speaker, sets forth the subjects that shall engage the attention of the

3:Zeisberger M-5 (1767-1780)1910
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622 are moved neither by fear of men nor of God; fortunately there are few such.

[273] Strong drink occasions much disorder in the Indian towns.[266] If a chief is himself an abstainer, he may accomplish much against this evil, but he must be ever watchful and not tire in his efforts.

[428] At the death of a chief neither his children, wife, nor relatives inherit his possessions. Everything is distributed among the people except the wampum and belts, which belong to the chief in his official capacity, and the Council Bag. These are preserved and turned over to his successor in office. In general, some person who lived in intimacy with the deceased chief, and is well acquainted with the affairs of state is chosen to be his successor. It is generally agreed that such and such an one is the right person to assume the dignity of chief. If he is discreet and wins the favor of the captains and the people, the former in particular, will support him in every possible
624 way. A captain, such as White Eye[267] was, is the Chief's right hand. He must undertake everything ordered of him by the chief, even at the hazard of his life. To show fear would not be in harmony with his dignity and a disgrace. If he is wounded or killed by the enemy, the whole nation joins in avenging his death, taking injury done him as seriously as if it concerned the person of the chief. This the captains are aware of and it gives them courage.

728 A captain has no more right to conclude peace than a chief to begin war.[268] If peace is offered to a captain, when he is in the enemy's country, he can give no other answer than that he will bring the proposal to the notice of the chief, for as a warrior he cannot make peace, and that in due time reply will be given. If the chief inclines to peace, he, as it were, assumes his office again, exerts his power, takes the matter out of the hands of the captain and desires him to sit down, which signifies declaring a truce. The hatchet is taken out of the captain's hand and he is obliged to cease from hostilities and keep his men quiet. The chief knowing that inactivity is not agreeable to the captain, asks his assistance in the negotiations and generally chooses him to be the messenger of peace to the

3:Zeisberger M-5 (1767-1780)1910
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nations. By such a commission an accession of honor and respect is acquired by the captain. So soon as he gives up the tomahawk, his men must cease from hostile acts and demonstrations. 728

The rank of captain is neither elective nor hereditary. First intimation of this honor comes usually in a dream, early in life, one or another having seen a buffalo, a bear or other ferocious animal, or he has seen in a vision an Indian who spoke with him and gave him the necessary gifts. Such a dream is pondered over and related to friends and usually interpreted as destiny for the office of Captain. The dreamer's imagination leads him to believe that nothing may injure him and that no bullet can harm him. He, therefore, endeavors to attain to the necessary qualifications for this dignity and prove his powers for he must be tested, as will appear presently. Occasionally, boys are prepared and instructed for this position. These are given little to eat, are made to fast often and long, so that their bodies become emaciated, their minds deranged and their dreams wild and extravagant. Frequent questions are put to them when in this condition as to the dreams they have had. So long as they have not dreamt or not dreamt the right thing, the process is continued until they have been reduced to skin and bones, when they usually have or pretend to have a fantastic dream, declared to be ominous. The subject being minutely considered and interpreted by their teachers, they are solemnly informed what will be their future destination. By virtue of these extraordinary revelations they become physicians, great hunters, rich men, *Mantewits*, that is, sorcerers, or captains. The impression thus made on their minds is lasting, and as they grow older they earnestly strive to fulfill their destination, believing themselves to be men of peculiar gifts, far in advance of the others. It is not enough to profess to be destined for the dignity of a captain. The claim must be made good. The candidate must be resolute, brave, fearless, even in greatest danger. If a leader, who has not the rank of captain, has the good fortune not to lose a man of his troop in six or seven engagements and to bring scalps and prisoners to the camp, he is recognized and honored as a captain forthwith. If he loses

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3:Zeisberger M-5 (1767-1780)1910
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624 a man he must secure a prisoner in his place. Should he lose more than one, responsibility weighs the more heavily upon him, and in default of showing an equal number of prisoners, his authority is at an end and he dare not think of continuing in the office. If an Indian loses his son, or one of his near relatives in war, whom he has highly valued, he gives a belt of wampum to a captain and desires him to go and take a prisoner to supply the place of the deceased. He takes his company into the enemy's country, and if he is fortunate in his exploit, immediately hangs the belt around the prisoner's neck to denote that he shall be received into a family and that his life is safe. Upon delivering the prisoner to his employer, the captain receives the belt as a reward, and the prisoner is adopted by the family as a son or near relative. But if he is unsuccessful or has been so unfortunate as to lose a man, the captain's standing is destroyed and he is disgraced. It depends, therefore, in large degree upon good fortune whether a man becomes or remains captain. There are never very many captains in one tribe, but always some.

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Although a chief is not supposed to have much to do with war, his influence tends greatly either to prevent or encourage the commencement of a war, for the Indians believe that a war cannot be successful without the consent of the chief, and the captains endeavor on that account to live in harmony with him. It is not a light matter for the Indians to begin a war, as it might be among the Europeans, for a war having been begun it is not easy to bring it to an end nor to be reconciled to the enemies. The chief reason for this is that a certain number are killed on both sides and these, according to ancient custom, must be replaced by prisoners. War with the whites is a different matter, for the Indians usually secure more than enough of scalps and prisoners to make up their losses, and they may sue for peace at any time even while continuing hostilities. But with the nations of their own color they cannot do this, for they know that they will be punished by enemies who will avenge themselves in the cruelest manner.

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701 The warriors consist of the young men, among whom, however, are those of fifty years and over. The warriors are under

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all went to heaven. They have one religious festival at which the Gum-win Dance is performed. This is the great religious dance. This is held once a year every fall, after the corn harvest is gathered. The festival lasts seven days. At this festival they have a number of old dances, which are still maintained among the Delawares. This Festival is called the Gum-win, from the dance. This is held for the purpose of returning thanks to the Great Spirit. They have a feast. Men, about 12, go out beforehand to hunt, and get game for the feast, particularly the deer. There is a class of persons whose business it is to appoint the time for holding this council, to prepare the feast, and supervise the business of the festival. They are both men and women, but Lemuel could not give me the name by which they are distinguished.

Marriage

Near relatives are not allowed to marry. First and second cousins are within the forbidden degrees; but third cousins under our system are allowed to marry. The names used by the several tribes are used in common. This seems to be the preferable conclusion. A young lad at the Mission told me that those of the same subdivision of the same tribe can intermarry if not too near of kin, but the fact is that they are all of near kin.

Succession of [Head] Chiefs

Upon the death of a head chief of the Turtle Tribe, the three other subdivisions meet in council to agree upon a successor who must be of the same subdivision of the tribe with the deceased, and is either a brother of the deceased or a sister's son. The second chief has the first speech, and the War Chief last, and enumerates the persons who